

Senate File 2315

H-8506

1 Amend the amendment, H-8413, to Senate File 2315,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 8, after line 10 by inserting:
5 <____. Page 21, after line 27 by inserting:
6 <Sec. _____. DISPUTED BILLINGS.
7 1. To the extent allowable under federal law or
8 regulation, if the costs of a service are payable in
9 whole or in part by a county in accordance with a
10 chapter of the Code listed in this section, the service
11 was rendered prior to July 1, 2011, and the county that
12 would be obligated to pay for the costs of the service
13 has not been billed for the service or has disputed the
14 billing prior to the effective date of this section, or
15 the state has fully charged off the cost of the service
16 or has not provided information to appropriately
17 document the basis for the billing, the county shall
18 have no obligation to pay for the service.
19 2. This section is applicable to service costs that
20 are a county obligation for services provided under any
21 of the following chapters of the Code:
22 a. Chapter 221.
23 b. Chapter 222.
24 c. Chapter 230.
25 d. Chapter 233B.
26 e. Chapter 249A.
27 f. Chapter 812.>>
28 2. Page 12, after line 15 by inserting:
29 <____. Page 34, after line 27 by inserting:
30 <5. a. The dispute resolution process implemented
31 in accordance with this subsection applies to
32 billing disputes between the state and a county
33 or region, other than residency disputes or other
34 dispute processes under this section, involving the
35 responsibility for service costs under any of the
36 following:
37 (1) Chapter 221.
38 (2) Chapter 222.
39 (3) Chapter 230.
40 (4) Chapter 249A.
41 (5) Chapter 812.
42 b. If a county, region, or the department, as
43 applicable, disputes a billing for service costs listed
44 in paragraph "a", the dispute shall be resolved as
45 provided in this subsection. The county or region
46 shall notify the department of the county's or region's
47 assertion within ninety days of receiving the billing.
48 If the department disputes such a billing of a regional
49 administrator, the department shall notify the affected
50 counties or regions of the department's assertion.

1 c. The department, county, or region that received
2 the notification, as applicable, shall respond to the
3 party that provided the notification within forty-five
4 days of receiving the notification. If the parties
5 cannot agree to a settlement as to the dispute within
6 ninety days of the date of notification, on motion of
7 any of the parties, the matter shall be referred to the
8 department of inspections and appeals for a contested
9 case hearing under chapter 17A before an administrative
10 law judge assigned in accordance with section 10A.801
11 to determine facts and issue a decision to resolve the
12 dispute.

13 d. (1) The administrative law judge's decision
14 is a final agency action, notwithstanding contrary
15 provisions of section 17A.15. The party that does
16 not prevail in the decision or subsequent judicial
17 review is liable for costs associated with the
18 proceeding, including reimbursement of the department
19 of inspections and appeals' actual costs associated
20 with the administrative proceeding. Judicial review of
21 the decision may be sought in accordance with section
22 17A.19.

23 (2) If following the decision regarding a dispute
24 in accordance with this subsection, additional
25 evidence becomes available that merits a change in that
26 decision, the parties affected may change the decision
27 by mutual agreement. Otherwise, a party may move that
28 the matter be reconsidered by the department, county,
29 or region, or by the administrative law judge.

30 e. (1) Unless a petition is filed for judicial
31 review, the administrative law judge's decision
32 regarding a disputed billing shall result in one of the
33 following:

34 (a) If a county or region is determined to be
35 responsible for the disputed amounts, the county or
36 region shall pay the amounts due and shall reimburse
37 any other amounts paid for services provided by
38 the other county or region or the department on the
39 person's behalf prior to the decision.

40 (b) If it is determined that the state is
41 responsible for the disputed amounts, the state shall
42 pay the amounts due and shall reimburse the county or
43 region, as applicable, for any payment made on behalf
44 of the person prior to the decision.

45 (2) The payment or reimbursement shall be remitted
46 within forty-five days of the date the decision was
47 issued. After the forty-five-day period, a penalty of
48 not greater than one percent per month may be added to
49 the amount due.>>

50 3. By renumbering as necessary.

SCHULTE of Linn